REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-5, 8-10, 12, 14-23, 26-28, 30, and 32-38 are currently pending, Claims 1 and 19 having been amended to make minor corrections. The changes and additions to the claims do not add new matter and are supported in the originally filed specification.

In the outstanding Office Action, Claims 1-5, 8-10, 12, 14-23, 26-28, 30, and 32-36 were rejected under 35 U.S.C. §103(a) as unpatentable over Wilson et. al. (U.S. Patent No. 5,411, 258, hereafter "Wilson") in view of Walker et al. (U.S. Patent No. 6,001,016, hereafter "Walker").

With respect to the rejection of Claim 1 under under 35 U.S.C. §103(a), Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*,

> a decision unit configured to generate a result of the game by using a computer logic before the entry time managed by the time management unit elapses;

Applicants' Figures 1 and 2 show a non-limiting example of a game execution system including a game controller 3 having a server 3A. Figure 2 shows that server 3A has a lottery unit 14 that acts as the decision unit (see page 14, lines 13-15). In the example, the lottery unit 14 can select a winning racehorse from among racehorses to run in a competitive game before the entry time managed by the time management unit elapses (see page 15, lines 17-22). In this example, users bet on the outcome of the race (see page 12, lines 19-21). The lottery unit 14 (the decision unit) generates a result of the race by using computer logic to determine the outcome of the race because it is part of the processing unit 10 (also see page 14, line 13 to page 15, line 3 of the specification). With this configuration, for example, it is

difficult to forecast a winning horse because the result of the race is randomly generated (see lines page 15, lines 2-3 of the specification).

Wilson describes an interactive video horse race game. In Wilson, the game involves players placing bets for a simulated horse race based on a video of an actual horse race that was pre-recorded (see col. 1, lines 39-68, and col. 4, lines 7-27). Wilson explicitly states that ***"there is no computer logic determining the outcome of a race."*** (See col. 4, lines 13-15).

The Office Action takes the position that Wilson uses a computer processor to randomly determine which pre-recorded race to use as the player race and that this is the same as a computer logic randomly determining the outcome mapped to each particular race. (See Office Action, at page 5).

However, even if Wilson shows a computer logic selecting a pre-recorded race, Wilson still does not show a computer logic ***generating*** the result of the race. In other words, selecting which video of a race to show a user, in which the outcome has already been determined, is not the same as generating a result of a race itself. Here, the device of Wilson cannot produce the effects of Claim 1 because in the game of Wilson, "the outcome of the race is based on the outcome of the original race...the basic information being real and the outcome of that race being also real." (See col. 4, lines 13-27).

Therefore, Wilson fails to disclose or suggest ***a decision unit configured to generate a result of the game by using a computer logic***, as defined by amended Claim 1.

Walker has been considered but fails to remedy the deficiencies of Wilson as discussed above with regards to Claim 1.

Therefore, Claim 1 patentably distinguishes over Wilson and Walker, taken either alone or in combination.

Independent Claim 19 recites features similar to those of Claim 1 as discussed above. Therefore, independent Claims 1 and 19 (and all dependent claims) patentably distinguish over Wilson and Walker, taken either alone or in combination.

Additionally, Applicants note that the outstanding Office Action failed to address Claims 37 and 38, where were added in the previous Amendment. The MPEP states in section 706.07:

> "...present practice does not sanction hasty and ill-considered final rejections. The applicant who is seeking to define his or her invention in claims that will give him or her the patent protection to which he or she is justly entitled should receive the cooperation of the examiner to that end, and not be prematurely cut off in the prosecution of his or her application."
>
> "The examiner should never lose sight of the fact that in every case applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal."

Furthermore, MPEP §706.02(j) states "[i]t is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. Furthermore, if an initially rejected application issues as a patent, the rationale behind an earlier rejection may be important in interpreting the scope of the patent claims."

Therefore, Applicants respectfully submit Claims 37 and 38 must be entered and considered and that the finality of the rejection must be withdrawn.

Furthermore, as the present amendment is only for making a minor correction, Applicants respectfully submit that the present amendment does not raise a new issue and therefore must be entered and considered by the Examiner.

Consequently, in light of the above discussion and in view of the present amendment, the outstanding grounds for rejection are believed to have been overcome. The present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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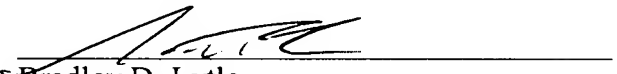

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